

Representative Ron Bigelow proposes the following substitute bill:

**MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION
BUDGET AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Merlynn T. Newbold

LONG TITLE

General Description:

This bill supplements or reduces appropriations previously provided for school districts, charter schools, and certain state education agencies for the fiscal year beginning July 1, 2010 and ending June 30, 2011 and modifies related budgetary provisions.

Highlighted Provisions:

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state education agencies;
- ▶ provides budget increases and decreases for programs that support school districts and charter schools;
- ▶ provides intent language;
- ▶ establishes the value of the weighted pupil unit at \$2,577 for fiscal year 2010-11;
- ▶ prescribes the powers and duties of the State Board of Education to adjust Minimum School Program allocations;
- ▶ provides that monies appropriated to the State Board of Education are nonlapsing;
- ▶ modifies the state guarantee under the voted leeway and board-authorized leeway

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programs;

- ▶ provides that the state guarantee under the voted leeway and board-authorized leeway programs shall apply to tax rates approved by a certain date;
- ▶ provides that if monies appropriated to charter schools to replace local property taxes are less than the amount prescribed by a statutory funding formula, monies shall be allocated among charter schools in proportion to each charter school's share of the total enrollment in charter schools;
- ▶ provides that if monies appropriated for charter school administrative costs are insufficient to provide the amount per student prescribed in statute, the appropriation shall be allocated among charter schools in proportion to each charter school's share of the total enrollment in charter schools;
- ▶ provides that if the Legislature reduces funding to public schools due to an Education Fund budget deficit:
 - the reduction shall be allocated in proportion to each school district's or charter school's share of Minimum School Program funds; and
 - a school district or charter school may determine which programs, with certain exceptions, are affected by the reduction; and
- ▶ makes technical amendments.

Monies Appropriated in this Bill:

This bill appropriates for fiscal year 2010-11:

- ▶ \$946,200 from the General Fund;
- ▶ (\$2,048,016,623) from the Uniform School Fund;
- ▶ \$2,361,836,586 from the Education Fund; and
- ▶ \$1,000 from various sources as detailed in this bill.

Other Special Clauses:

This bill takes effect on July 1, 2010.

Utah Code Sections Affected:

AMENDS:

53A-1a-513, as last amended by Laws of Utah 2009, Chapter 391

53A-17a-108, as last amended by Laws of Utah 2009, Chapter 391

53A-17a-133, as last amended by Laws of Utah 2009, Chapters 204 and 391

56 **53A-17a-134**, as last amended by Laws of Utah 2009, Chapter 391

57 **53A-17a-146**, as last amended by Laws of Utah 2009, Chapter 4

58 **63J-1-602**, as enacted by Laws of Utah 2009, Chapter 368

59 REPEALS AND REENACTS:

60 **53A-17a-105**, as last amended by Laws of Utah 2009, Chapter 183

61 **Uncodified Material Affected:**

62 ENACTS UNCODIFIED MATERIAL

63

64 *Be it enacted by the Legislature of the state of Utah:*

65 Section 1. Section **53A-1a-513** is amended to read:

66 **53A-1a-513. Funding for charter schools.**

67 (1) As used in this section:

68 (a) "Charter school students' average local revenues" means the amount determined as
69 follows:

70 (i) for each student enrolled in a charter school on the previous October 1, calculate the
71 district per pupil local revenues of the school district in which the student resides;

72 (ii) sum the district per pupil local revenues for each student enrolled in a charter
73 school on the previous October 1; and

74 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
75 enrolled in charter schools on the previous October 1.

76 (b) "District per pupil local revenues" means the amount determined as follows, using
77 data from the most recently published school district annual financial reports and state
78 superintendent's annual report:

79 (i) calculate the sum of a school district's revenue received from:

80 (A) a voted levy imposed under Section 53A-17a-133;

81 (B) a board levy imposed under Section 53A-17a-134;

82 (C) 10% of the cost of the basic program levy imposed under Section 53A-17a-145;

83 (D) a tort liability levy imposed under Section 63G-7-704;

84 (E) a capital outlay levy imposed under Section 53A-16-107; and

85 (F) a voted capital outlay levy imposed under Section 53A-16-110; and

86 (ii) divide the sum calculated under Subsection (1)(b)(i) by the sum of:

(A) a school district's average daily membership; and

(B) the average daily membership of a school district's resident students who attend charter schools.

(c) "Resident student" means a student who is considered a resident of the school district under Title 53A, Chapter 2, Part 2, District of Residency.

(d) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:

(i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and

(ii) divide the sum calculated under Subsection (1)(d)(i) by statewide school district average daily membership.

(2) (a) Charter schools shall receive funding as described in this section, except Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).

(b) Charter schools authorized by local school boards that are converted from district schools or operate in district facilities without paying reasonable rent shall receive funding as prescribed in Section 53A-1a-515.

(3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.

(b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:

(i) .55 for kindergarten pupils;

(ii) .9 for pupils in grades 1-6;

(iii) .99 for pupils in grades 7-8; and

(iv) 1.2 for pupils in grades 9-12.

(4) (a) (i) A school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school on October 1 equal to 25% of the lesser of:

(A) district per pupil local revenues; or

(B) charter school students' average local revenues.

~~[(ii) For the purpose of allocating school district revenues under Subsection (4)(a)(i) in fiscal year 2008-09 only, a kindergarten student who is enrolled in less than a full-day~~

kindergarten program is weighted as .55 of a student.]

~~[(iii)]~~ (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program established under Chapter 28, Utah School Bond Guaranty Act.

(b) The State Board of Education shall:

(i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum School Program Act; and

(ii) remit the money to the student's charter school.

(c) Notwithstanding the method used to transfer school district revenues to charter schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter schools under this section from:

(i) unrestricted revenues available to the school district; or

(ii) the revenue sources listed in Subsections (1)(b)(i)(A) through (F) based on the portion of the allocations to charter schools attributed to each of the revenue sources listed in Subsections (1)(b)(i)(A) through (F).

(d) (i) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each student enrolled on October 1 to supplement the allocation of school district revenues under Subsection (4)(a).

(ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the state for a charter school student shall be the sum of:

(A) charter school students' average local revenues minus the allocation of school district revenues under Subsection (4)(a); and

(B) statewide average debt service revenues.

(iii) If the total of a school district's allocation for a charter school student under Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than \$1427, the state shall provide an additional supplement so that a charter school receives at least \$1427 per student under this Subsection (4).

(iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

149 (B) If the State Board of Education makes adjustments to Minimum School Program
150 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection
151 (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

152 (e) Of the monies provided to a charter school under this Subsection (4), 10% shall be
153 expended for funding school facilities only.

154 (5) Charter schools are eligible to receive federal funds if they meet all applicable
155 federal requirements and comply with relevant federal regulations.

156 (6) The State Board of Education shall distribute funds for charter school students
157 directly to the charter school.

158 (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state
159 transportation funding.

160 (b) The board shall also adopt rules relating to the transportation of students to and
161 from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

162 (c) The governing body of the charter school may provide transportation through an
163 agreement or contract with the local school board, a private provider, or with parents.

164 (8) (a) (i) The state superintendent of public instruction may allocate grants for both
165 start-up and ongoing costs to eligible charter school applicants from monies appropriated for
166 the implementation of this part.

167 (ii) Applications for the grants shall be filed on a form determined by the state
168 superintendent and in conjunction with the application for a charter.

169 (iii) The amount of a grant may vary based upon the size, scope, and special
170 circumstances of the charter school.

171 (iv) The governing board of the charter school shall use the grant to meet the expenses
172 of the school as established in the school's charter.

173 (b) The State Board of Education shall coordinate the distribution of federal monies
174 appropriated to help fund costs for establishing and maintaining charter schools within the
175 state.

176 (9) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,
177 endowment, gift, or donation of any property made to the school for any of the purposes of this
178 part.

179 (b) It is unlawful for any person affiliated with a charter school to demand or request

any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.

Section 2. Section **53A-17a-105** is repealed and reenacted to read:

53A-17a-105. Powers and duties of State Board of Education to adjust Minimum School Program allocations.

(1) Except as provided in Subsection (2) or (4), if the number of weighted pupil units in a program is underestimated, the State Board of Education shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.

(2) If the number of weighted pupil units in a program is overestimated, the State Board of Education shall spend excess monies appropriated for the following purposes giving priority to the purpose described in Subsection (2)(a):

(a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;

(b) to support the state guarantee per weighted pupil unit provided under the voted leeway program established in Section 53A-17a-133 or the board-approved leeway program established in Section 53A-17a-134, if:

(i) local contributions to the voted leeway program or board-approved leeway program are overestimated; or

(ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;

(c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4);

(d) for charter school administrative costs, if the appropriation for charter school administrative costs is insufficient to provide the amount per student prescribed in Subsection 53A-17a-108(2)(a); or

(e) to support a school district with a loss in student enrollment as provided in Section 53A-17a-139.

(3) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the

weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.

(4) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are underestimated, the State Board of Education shall:

(a) spend the excess local contributions for the purposes specified in Subsection (2), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and

(b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

(5) Except as provided in Subsection (2) or (4), the State Board of Education shall reduce the guarantee per weighted pupil unit provided under the voted leeway program established in Section 53A-17a-133 or board-approved leeway program established in Section 53A-17a-134, if:

(a) local contributions to the voted leeway program or board-approved leeway program are overestimated; or

(b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.

(6) Monies appropriated to the State Board of Education are nonlapsing.

(7) The State Board of Education shall report actions taken by the board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.

Section 3. Section **53A-17a-108** is amended to read:

53A-17a-108. Weighted pupil units for small school district administrative costs -- Appropriation for charter school administrative costs.

(1) Administrative costs weighted pupil units are computed and distributed to small school districts in accordance with the following schedule:

242 Administrative Costs Schedule

243	School District Enrollment as of October 1	Weighted Pupil Units
244	1 - 500 students	95
245	501 - 1,000 students	80
246	1,001 - 2,000 students	70
247	2,001 - 5,000 students	60

248 (2) (a) ~~[Money]~~ Except as provided in Subsection (2)(b), money appropriated to the
 249 State Board of Education for charter school administrative costs ~~[, including an appropriation in~~
 250 ~~Section 53A-17a-104,]~~ shall be distributed to charter schools in the amount of \$100 for each
 251 charter school student in enrollment.

252 (b) (i) If money appropriated for charter school administrative costs is insufficient to
 253 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be
 254 allocated among charter schools in proportion to each charter school's enrollment as a
 255 percentage of the total enrollment in charter schools.

256 (ii) If the State Board of Education makes adjustments to Minimum School Program
 257 allocations under Section 53A-17a-105, the allocation provided in Subsection (2)(b)(i) shall be
 258 determined after adjustments are made under Section 53A-17a-105.

259 ~~[(b)]~~ (c) Charter schools are encouraged to identify and use cost-effective methods of
 260 performing administrative functions, including contracting for administrative services with the
 261 State Charter School Board as provided in Section 53A-1a-501.6.

262 (3) Charter schools are not eligible for funds for administrative costs under Subsection
 263 (1).

264 Section 4. Section **53A-17a-133** is amended to read:

265 **53A-17a-133. State-supported voted leeway program authorized -- Election**
 266 **requirements -- State guarantee -- Reconsideration of the program.**

267 (1) An election to consider adoption or modification of a voted leeway program is
 268 required if initiative petitions signed by 10% of the number of electors who voted at the last
 269 preceding general election are presented to the local school board or by action of the board.

270 (2) (a) (i) To establish a voted leeway program, a majority of the electors of a district
 271 voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a
 272 special tax.

(ii) The tax rate may not exceed .002 per dollar of taxable value.

(b) The district may maintain a school program which exceeds the cost of the program referred to in Section 53A-17a-145 with this voted leeway.

(c) In order to receive state support the first year, a district must receive voter approval no later than December 1 of the year prior to implementation.

(3) (a) Under the voted leeway program, the state shall contribute an amount sufficient to guarantee \$25.25 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

(b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of .002 per dollar of taxable value if a school district levies a tax rate under both programs.

(c) [(†)] Beginning July 1, [2009] 2011, the \$25.25 guarantee under Subsections (3)(a) and (b) shall be indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to [~~.009798~~] .010544 times the value of the prior year's weighted pupil unit.

~~[(ii) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for each succeeding year until the guarantee is equal to .010544 times the value of the prior year's weighted pupil unit.]~~

(d) (i) The amount of state guarantee money to which a school district would otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (3)(d)(i) applies for a period of five years following any such change in the certified tax rate.

(e) The guarantee provided under this section does not apply to the portion of a voted leeway rate that exceeds the voted leeway rate that was in effect for the previous fiscal year, unless an increase in the voted leeway rate was authorized in an election conducted on or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

(4) (a) An election to modify an existing voted leeway program is not a reconsideration of the existing program unless the proposition submitted to the electors expressly so states.

(b) A majority vote opposing a modification does not deprive the district of authority to continue an existing program.

(c) If adoption of a leeway program is contingent upon an offset reducing other local school board levies, the board must allow the electors, in an election, to consider modifying or discontinuing the program prior to a subsequent increase in other levies that would increase the total local school board levy.

(d) Nothing contained in this section terminates, without an election, the authority of a school district to continue an existing voted leeway program previously authorized by the voters.

(5) Notwithstanding Section 59-2-919, a school district may budget an increased amount of ad valorem property tax revenue derived from a voted leeway imposed under this section in addition to revenue from new growth as defined in Subsection 59-2-924(4), without having to comply with the notice requirements of Section 59-2-919, if:

(a) the voted leeway is approved:

(i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

(ii) within the four-year period immediately preceding the year in which the school district seeks to budget an increased amount of ad valorem property tax revenue derived from the voted leeway; and

(b) for a voted leeway approved or modified in accordance with this section on or after January 1, 2009, the school district complies with the requirements of Subsection (7).

(6) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this section that exceeds the certified tax rate without having to comply with the notice requirements of Section 59-2-919 if:

(a) the levy exceeds the certified tax rate as the result of a school district budgeting an increased amount of ad valorem property tax revenue derived from a voted leeway imposed under this section;

(b) [if] the voted leeway was approved:

(i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

(ii) within the four-year period immediately preceding the year in which the school district seeks to budget an increased amount of ad valorem property tax revenue derived from the voted leeway; and

(c) for a voted leeway approved or modified in accordance with this section on or after January 1, 2009, the school district complies with requirements of Subsection (7).

(7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the electors regarding the adoption or modification of a voted leeway program shall contain the following statement:

"A vote in favor of this tax means that (name of the school district) may increase revenue from this property tax without advertising the increase for the next five years."

Section 5. Section **53A-17a-134** is amended to read:

53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.

(1) Each local school board may levy a tax rate of up to .0004 per dollar of taxable value to maintain a school program above the cost of the basic school program as follows:

(a) a local school board shall use the monies generated by the tax for class size reduction within the school district;

(b) if a local school board determines that the average class size in the school district is not excessive, it may use the monies for other school purposes but only if the board has declared the use for other school purposes in a public meeting prior to levying the tax rate; and

(c) a district may not use the monies for other school purposes under Subsection (1)(b) until it has certified in writing that its class size needs are already being met and has identified the other school purposes for which the monies will be used to the State Board of Education and the state board has approved their use for other school purposes.

(2) (a) The state shall contribute an amount sufficient to guarantee \$25.25 per weighted pupil unit for each .0001 per dollar of taxable value.

(b) The guarantee shall increase in the same manner as provided for the voted leeway guarantee in ~~Subsections~~ Subsection 53A-17a-133(3)(c)~~(i) and (ii)~~.

(c) (i) The amount of state guarantee money to which a school district would otherwise be entitled to under this Subsection (2) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (2)(c)(i) applies for a period of five years following any such change in the certified tax rate.

(d) The guarantee provided under this section does not apply to:

(i) a board-authorized leeway in the first fiscal year the leeway is in effect, unless the leeway was approved by voters pursuant to Subsections (4) through (6); or

(ii) the portion of a board-authorized leeway rate that is in excess of the board-authorized leeway rate that was in effect for the previous fiscal year.

(3) The levy authorized under this section is not in addition to the maximum rate of .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax rate under that section.

(4) As an exception to Section 53A-17a-133, the board-authorized levy does not require voter approval, but the board may require voter approval if requested by a majority of the board.

(5) An election to consider disapproval of the board-authorized levy is required, if within 60 days after the levy is established by the board, referendum petitions signed by the number of legal voters required in Section 20A-7-301, who reside within the school district, are filed with the school district.

(6) (a) A local school board shall establish its board-approved levy by April 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an election is required under this section, the levy applies to the fiscal year beginning July 1 of the next calendar year.

(b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur at a general election in even-numbered years, except that a vote required under this section in odd-numbered years shall occur at a special election held on a day in odd-numbered years that corresponds to the general election date. The school district shall pay for the cost of a special election.

(7) (a) Modification or termination of a voter-approved leeway rate authorized under this section is governed by Section 53A-17a-133.

(b) A board-authorized leeway rate may be modified or terminated by a majority vote of the board subject to disapproval procedures specified in this section.

(8) A board levy election does not require publication of a voter information pamphlet. Section 6. Section **53A-17a-146** is amended to read:

53A-17a-146. Reduction of district allocation based on insufficient revenues.

(1) ~~(a)~~ As used in this section, "Minimum School Program funds" means the total of

397 state and local funds appropriated [~~under Section 53A-17a-104~~] for the Minimum School
398 Program, excluding:

399 [(~~ti~~)] (a) the state-supported voter leeway pursuant to Section 53A-17a-133;
400 [(~~ti~~)] (b) the state-supported board leeway pursuant to Section 53A-17a-134; and
401 [(~~ti~~)] (c) the appropriation to charter schools to replace local property tax revenues
402 pursuant to Section 53A-1a-513.

403 [(~~b~~)] ~~The State Board of Education,~~
404 (2) If the Legislature reduces appropriations made to support public schools under Title
405 53A, Chapter 17a, Minimum School Program Act, because an Education Fund budget deficit,
406 as defined in Section 63J-1-312, exists, the State Board of Education, after consultation with
407 each school district and charter school, shall allocate the [ongoing locally determined]
408 reduction [provided in Section 53A-17a-104 for fiscal year 2008-09] among school districts
409 and charter schools in proportion to each school district's or charter school's percentage share
410 of Minimum School Program funds.

411 [(~~2~~) ~~Each district and~~] (3) Except as provided in Subsection (5), a school district or
412 charter school shall determine which programs are affected by[;] a reduction pursuant to
413 Subsection (2) and the amount [of, the reductions, except as provided in Subsection (4)] each
414 program is reduced.

415 [(~~3~~) ~~The~~] (4) Except as provided in Subsections (5) and (6), the requirement to spend a
416 specified amount in any particular program is waived if reductions are [required under this
417 section, except as provided in Subsection (4):] made pursuant to Subsection (2).

418 [(~~4~~)] (5) A school district or charter school may not reduce or reallocate spending of
419 funds distributed to the school district or charter school for the following programs:

420 (a) educator salary adjustments provided in Section 53A-17a-153;
421 (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
422 (c) the extended year for special educators provided in Section 53A-17a-158; [and]
423 (d) USTAR centers provided in Section 53A-17a-159[;];
424 (e) the School LAND Trust Program created in Section 53A-16-101.5; or
425 (f) a special education program within the Basic School Program.

426 (6) A school district or charter school may not reallocate spending of funds distributed
427 to the school district or charter school to a reserve account.

Section 7. Section **63J-1-602** is amended to read:

63J-1-602. Nonlapsing accounts and funds.

(1) The following revenue collections, appropriations from a fund or account, and appropriations to a program are nonlapsing:

(a) appropriations made to the Legislature and its committees;

(b) funds collected by the grain grading program, as provided in Section 4-2-2;

(c) the Salinity Offset Fund created in Section 4-2-8.5;

(d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;

(e) funds collected by pesticide dealer license registration fees, as provided in Section 4-14-3;

(f) funds collected by pesticide applicator business registration fees, as provided in Section 4-14-13;

(g) the Rangeland Improvement Fund created in Section 4-20-2;

(h) funds deposited as dedicated credits under the Insect Infestation Emergency Control Act, as provided in Section 4-35-6;

(i) the Percent-for-Art Program created in Section 9-6-404;

(j) the Centennial History Fund created in Section 9-8-604;

(k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;

(l) the Navajo Revitalization Fund created in Section 9-11-104;

(m) the LeRay McAllister Critical Land Conservation Program created in Section 11-38-301;

(n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;

(o) fees deposited as dedicated credits for hazardous waste plan reviews, as provided in Section 19-6-120;

(p) an appropriation made to the Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;

(q) award monies under the Crime Reduction Assistance Program, as provided under Section 24-1-19;

(r) funds collected from the emergency medical services grant program, as provided in Section 26-8a-207;

(s) fees and other funding available to purchase training equipment and to administer

tests and conduct quality assurance reviews, as provided in Section 26-8a-208;

(t) funds collected as a result of a sanction under Section 1919 of Title XIX of the federal Social Security Act, as provided in Section 26-18-3;

(u) the Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102;

(v) monies collected from subscription fees for publications prepared or distributed by the insurance commissioner, as provided in Section 31A-2-208;

(w) monies received by the Insurance Department for administering, investigating under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;

(x) certain monies received for penalties paid under the Insurance Fraud Act, as provided in Section 31A-31-109;

(y) the fund for operating the state's Federal Health Care Tax Credit Program, as provided in Section 31A-38-104;

(z) certain funds in the Department of Workforce Services' program for the education, training, and transitional counseling of displaced homemakers, as provided in Section 35A-3-114;

(aa) the Employment Security Administration Fund created in Section 35A-4-505;

(bb) the Special Administrative Expense Fund created in Section 35A-4-506;

(cc) funding for a new program or agency that is designated as nonlapsing under Section 36-24-101;

(dd) the Oil and Gas Conservation Account created in Section 40-6-14.5;

(ee) funds available to the State Tax Commission for purchase and distribution of license plates and decals, as provided in Section 41-1a-1201;

(ff) certain fees for the cost of electronic payments under the Motor Vehicle Act, as provided in Section 41-1a-1221;

(gg) certain fees collected for administering and enforcing the Motor Vehicle Business Regulation Act, as provided in Section 41-3-601;

(hh) certain fees for the cost of electronic payments under the Motor Vehicle Business Regulation Act, as provided in Section 41-3-604;

(ii) the Off-Highway Access and Education Restricted Account created in Section 41-22-19.5;

(jj) certain fees for the cost of electronic payments under the Motor Vehicle Act, as provided in Section 41-22-36;

(kk) monies collected under the Notaries Public Reform Act, as provided under 46-1-23;

(ll) certain funds associated with the Law Enforcement Operations Account, as provided in Section 51-9-411;

(mm) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118;

(nn) funding for the Search and Rescue Financial Assistance Program, as provided in Section 53-2-107;

(oo) appropriations made to the Department of Public Safety from the Department of Public Safety Restricted Account, as provided in Section 53-3-106;

(pp) appropriations to the Motorcycle Rider Education Program, as provided in Section 53-3-905;

(qq) fees collected by the State Fire Marshal Division under the Utah Fire Prevention and Safety Act, as provided in Section 53-7-314;

(rr) the DNA Specimen Restricted Account created in Section 53-10-407;

(ss) ~~[the minimum school program]~~ appropriations to the State Board of Education, as provided in Section 53A-17a-105;

(tt) certain funds appropriated from the Uniform School Fund to the State Board of Education for new teacher bonus and performance-based compensation plans, as provided in Section 53A-17a-148;

(uu) certain funds appropriated from the Uniform School Fund to the State Board of Education for implementation of proposals to improve mathematics achievement test scores, as provided in Section 53A-17a-152;

(vv) the School Building Revolving Account created in Section 53A-21-401;

(ww) monies received by the State Office of Rehabilitation for the sale of certain products or services, as provided in Section 53A-24-105;

(xx) the State Board of Regents, as provided in Section 53B-6-104;

(yy) certain funds appropriated from the General Fund to the State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104;

521 (zz) a certain portion of monies collected for administrative costs under the School
522 Institutional Trust Lands Management Act, as provided under Section 53C-3-202;

523 (aaa) certain surcharges on residence and business telecommunications access lines
524 imposed by the Public Service Commission, as provided in Section 54-8b-10;

525 (bbb) certain fines collected by the Division of Occupational and Professional
526 Licensing for violation of unlawful or unprofessional conduct that are used for education and
527 enforcement purposes, as provided in Section 58-17b-505;

528 (ccc) the Nurse Education and Enforcement Fund created in Section 58-31b-103;

529 (ddd) funding of the controlled substance database, as provided in Section 58-37-7.7;

530 (eee) the Certified Nurse Midwife Education and Enforcement Fund created in Section
531 58-44a-103;

532 (fff) funding for the building inspector's education program, as provided in Section
533 58-56-9;

534 (ggg) certain fines collected by the Division of Occupational and Professional
535 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
536 provided in Section 58-63-103;

537 (hhh) the Professional Geologist Education and Enforcement Fund created in Section
538 58-76-103;

539 (iii) certain monies in the Water Resources Conservation and Development Fund, as
540 provided in Section 59-12-103;

541 (jjj) funds paid to the Division of Real Estate for the cost of a criminal background
542 check for broker and sales agent licenses, as provided in Section 61-2-9;

543 (kkk) the Utah Housing Opportunity Restricted Account created in Section 61-2-28;

544 (lll) funds paid to the Division of Real Estate for the cost of a criminal background
545 check for a mortgage loan license, as provided in Section 61-2c-202;

546 (mmm) funds paid to the Division of Real Estate in relation to examination of records
547 in an investigation, as provided in Section 61-2c-401;

548 (nnn) certain funds donated to the Department of Human Services, as provided in
549 Section 62A-1-111;

550 (ooo) certain funds donated to the Division of Child and Family Services, as provided
551 in Section 62A-4a-110;

552 (ppp) the Mental Health Therapist Grant and Scholarship Program, as provided in
553 Section 62A-13-109;

554 (qqq) assessments for DUI violations that are forwarded to an account created by a
555 county treasurer, as provided in Section 62A-15-503;

556 (rrr) appropriations to the Division of Services for People with Disabilities, as provided
557 in Section 62A-5-102;

558 (sss) certain donations to the Division of Substance Abuse and Mental Health, as
559 provided in Section 62A-15-103;

560 (ttt) certain funds received by the Division of Parks and Recreation from the sale or
561 disposal of buffalo, as provided under Section 63-11-19.2;

562 (uuu) revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
563 Park, or Jordan River State Park, as provided under Section 63-11-19.5;

564 (vvv) revenue for golf user fees at the Green River State Park, as provided under
565 Section 63-11-19.6;

566 (www) the Centennial Nonmotorized Paths and Trail Crossings Program created under
567 Section 63-11a-503;

568 (xxx) the Bonneville Shoreline Trail Program created under Section 63-11a-504;

569 (yyy) the account for the Utah Geological Survey, as provided in Section 63-73-10;

570 (zzz) the Risk Management Fund created under Section 63A-4-201;

571 (aaaa) the Child Welfare Parental Defense Fund created in Section 63A-11-203;

572 (bbbb) the Constitutional Defense Restricted Account created in Section 63C-4-103;

573 (cccc) a portion of the funds appropriated to the Utah Seismic Safety Commission, as
574 provided in Section 63C-6-104;

575 (dddd) funding for the Medical Education Program administered by the Medical
576 Education Council, as provided in Section 63C-8-102;

577 (eeee) certain monies payable for commission expenses of the Pete Suazo Utah
578 Athletic Commission, as provided under Section 63C-11-301;

579 (ffff) funds collected for publishing the Division of Administrative Rules' publications,
580 as provided in Section 63G-3-402;

581 (gggg) the appropriation to fund the Governor's Office of Economic Development's
582 Enterprise Zone Act, as provided in Section 63M-1-416;

583 (hhhh) the Tourism Marketing Performance Account, as provided in Section
584 63M-1-1406;

585 (iiii) certain funding for rural development provided to the Office of Rural
586 Development in the Governor's Office of Economic Development, as provided in Section
587 63M-1-1604;

588 (jjjj) certain monies in the Development for Disadvantaged Rural Communities
589 Restricted Account, as provided in Section 63M-1-2003;

590 (kkkk) appropriations to the Utah Science Technology and Research Governing
591 Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;

592 (llll) certain monies in the Rural Broadband Service Fund, as provided in Section
593 63M-1-2303;

594 (mmmm) funds collected from monthly offender supervision fees, as provided in
595 Section 64-13-21.2;

596 (nnnn) funds collected by the housing of state probationary inmates or state parole
597 inmates, as provided in Subsection 64-13e-104(2);

598 (oooo) the Sovereign Lands Management account created in Section 65A-5-1;

599 (pppp) certain forestry and fire control funds utilized by the Division of Forestry, Fire,
600 and State Lands, as provided in Section 65A-8-103;

601 (qqqq) the Department of Human Resource Management user training program, as
602 provided in Section 67-19-6;

603 (rrrr) funds for the University of Utah Poison Control Center program, as provided in
604 Section 69-2-5.5;

605 (ssss) appropriations to the Transportation Corridor Preservation Revolving Loan
606 Fund, as provided in Section 72-2-117;

607 (tttt) appropriations to the Local Transportation Corridor Preservation Fund, as
608 provided in Section 72-2-117.5;

609 (uuuu) appropriations to the Tollway Restricted Special Revenue Fund, as provided in
610 Section 77-2-120;

611 (vvvv) appropriations to the Aeronautics Construction Revolving Loan Fund, as
612 provided in Section 77-2-122;

613 (www) appropriations to the State Park Access Highways Improvement Program, as

614 provided in Section 72-3-207;
615 (xxxx) the Traffic Noise Abatement Program created in Section 72-6-112;
616 (yyyy) certain funds received by the Office of the State Engineer for well drilling fines
617 or bonds, as provided in Section 73-3-25;
618 (zzzz) certain monies appropriated to increase the carrying capacity of the Jordan River
619 that are transferred to the Division of Parks and Recreation, as provided in Section 73-10e-1;
620 (aaaaa) certain fees for the cost of electronic payments under the State Boating Act, as
621 provided in Section 73-18-25;
622 (bbbbb) certain monies appropriated from the Water Resources Conservation and
623 Development Fund, as provided in Section 73-23-2;
624 (ccccc) the Lake Powell Pipeline Project Operation and Maintenance Fund created in
625 Section 73-28-404;
626 (ddddd) certain funds in the Water Development and Flood Mitigation Reserve
627 Account, as provided in Section 73-103-1;
628 (eeee) certain funds appropriated for compensation for special prosecutors, as
629 provided in Section 77-10a-19;
630 (fffff) the Indigent Aggravated Murder Defense Trust Fund created in Section
631 77-32-601;
632 (ggggg) the Indigent Felony Defense Trust Fund created in Section 77-32-701;
633 (hhhhh) funds donated or paid to a juvenile court by private sources, as provided in
634 Subsection 78A-6-203(1)(c);
635 (iiii) a state rehabilitative employment program, as provided in Section 78A-6-210;
636 and
637 (jjjjj) fees from the issuance and renewal of licenses for certified court interpreters, as
638 provided in Section 78B-1-146.
639 (2) No revenue collection, appropriation from a fund or account, or appropriation to a
640 program may be treated as nonlapsing unless:
641 (a) it is expressly referenced by this section;
642 (b) it is designated in a condition of appropriation in the appropriations bill; or
643 (c) nonlapsing authority is granted under Section 63J-1-603.
644 (3) Each legislative appropriations subcommittee shall review the accounts and funds

that have been granted nonlapsing authority under this section or Section 63J-1-603.

Section 8. One-time appropriation for classroom supplies.

(1) (a) The State Board of Education shall distribute money appropriated for classroom supplies and materials to classroom teachers in school districts, the Utah Schools for the Deaf and the Blind, and charter schools on the basis of the number of classroom teachers in each school as compared to the total number of classroom teachers.

(b) Teachers shall receive up to the following amounts:

(i) a teacher on salary schedule steps one through three teaching in grades kindergarten through six or preschool handicapped - \$250;

(ii) a teacher on salary schedule steps one through three teaching in grades seven through twelve - \$200;

(iii) a teacher on salary schedule step four or higher teaching in grades kindergarten through six or preschool handicapped - \$175; and

(iv) a teacher on salary schedule step four or higher teaching in grades seven through twelve - \$150.

(c) If the appropriation is not sufficient to provide to each teacher the full amount allowed under Subsection (1)(b), teachers on salary schedule steps one through three shall receive the full amount allowed with the remaining monies apportioned to all other teachers.

(2) Teachers shall spend money appropriated for classroom supplies and materials for school supplies, materials, or field trips under rules adopted by the State Board of Education.

(3) As used in this section, "classroom teacher" or "teacher" means permanent teacher positions filled by one teacher or two or more job-sharing teachers:

(a) who are licensed personnel;

(b) who are paid on the teacher's salary schedule;

(c) who are hired for an entire contract period; and

(d) whose primary function is to provide instructional or a combination of instructional and counseling services to students in public schools.

Section 9. Appropriations for state education agencies and programs that support school districts and charter schools -- Value of weighted pupil unit.

(1) Under the terms and conditions of Utah Code Title 63J, as applicable, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from

676 amounts previously appropriated, out of the funds or fund accounts indicated for distribution to
 677 state education agencies, school districts, and charter schools for the fiscal year beginning July
 678 1, 2010 and ending June 30, 2011. These appropriations are additions to amounts previously
 679 appropriated for fiscal year 2010-11.

680 (2) The value of the weighted pupil unit (WPU) for fiscal year 2010-11 is increased by
 681 \$90 over the value of the WPU for fiscal year 2010-11 established in H.B. 1, Minimum School
 682 Program Base Budget, for a total WPU value of \$2,577.

683 STATE BOARD OF EDUCATION

684 ITEM 1 To State Board of Education - State Office of Education

685	From Uniform School Fund	(\$20,706,500)
686	From Education Fund	\$21,102,000
687	From Education Fund, One-time	(\$750,000)
688	From Federal Funds	\$400
689	From Dedicated Credits Revenue	\$200

690 Schedule of Programs:

691	Board of Education - Operations	\$18,500
692	Student Achievement	(\$417,500)
693	Data and Business Services	\$23,000
694	Law, Legislation and Educational Services	\$22,100

695 The Legislature intends that the State Board of Education develop a plan to create a
 696 website where best practices and studies of school districts and charter schools may be posted
 697 for the purpose of facilitating and encouraging innovation, cost-savings, and productivity. The
 698 State Board of Education is requested to make a report on the plan to the Education Interim
 699 Committee no later than the committee's October interim committee meeting.

700 ITEM 2 To State Board of Education - Utah State Office of Education - Initiative Programs

701	From General Fund	\$946,200
702	From Uniform School Fund	(\$3,182,100)
703	From Education Fund	\$7,119,400

704 Schedule of Programs:

705	Contracts and Grants	\$4,883,500
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706 ITEM 3 To State Board of Education - State Charter School Board

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707	From Uniform School Fund	(\$575,800)
708	From Education Fund	\$575,800
709	ITEM 4 To State Board of Education - Educator Licensing Professional Practices	
710	From Uniform School Fund Restricted - Professional Practices	\$200
711	Schedule of Programs:	
712	Educator Licensing	\$200
713	ITEM 5 To State Board of Education - State Office of Education - Child Nutrition	
714	From Uniform School Fund	(\$136,700)
715	From Education Fund	\$139,500
716	From Federal Funds	\$400
717	From Dedicated Credits Revenue	\$100
718	Schedule of Programs:	
719	Child Nutrition	\$3,300
720	ITEM 6 To State Board of Education - Fine Arts Outreach	
721	From Uniform School Fund	(\$2,731,000)
722	From Education Fund	\$2,786,800
723	Schedule of Programs:	
724	Professional Outreach Programs	\$54,800
725	Subsidy Program	\$1,000
726	ITEM 7 To State Board of Education - State Office of Education - Educational Contracts	
727	From Uniform School Fund	(\$3,114,700)
728	From Education Fund	\$3,137,800
729	Schedule of Programs:	
730	Youth Center	\$23,100
731	ITEM 8 To State Board of Education - Science Outreach	
732	From Uniform School Fund	(\$1,661,600)
733	From Education Fund	\$1,695,500
734	Schedule of Programs:	
735	Informal Science Education Enhancement	\$25,600
736	Science Enhancement	\$8,300
737	ITEM 9 To State Board of Education - Utah Schools for the Deaf and the Blind	

738	From Uniform School Fund	(\$22,311,000)
739	From Education Fund	\$22,753,700
740	From Federal Funds	(\$300)
741	From Dedicated Credits Revenue	\$500,000
742	From Closing Nonlapsing Appropriation Balances	(\$186,000)
743	Schedule of Programs:	
744	Instructional Services	\$297,000
745	Support Services	\$145,400
746	Institutional Council	\$314,000
747	ITEM 10 To State Board of Education - Utah Schools for the Deaf and Blind - Institutional	
748	Council	
749	From Dedicated Credits Revenue	(\$500,000)
750	From Closing Nonlapsing Appropriation Balances	\$186,000
751	Schedule of Programs:	
752	Institutional Council	(\$314,000)
753	BASIC SCHOOL PROGRAM	
754	ITEM 11 To Basic School Program	
755	From Uniform School Fund	(\$1,560,112,936)
756	From Education Fund	\$1,627,171,936
757	Schedule of Programs:	
758	Kindergarten	\$2,385,270
759	Grades 1 - 12	\$45,939,690
760	Necessarily Existent Small Schools	\$688,410
761	Professional Staff	\$4,202,820
762	Administrative Costs	\$139,500
763	Special Education - Add-on	\$5,751,270
764	Special Education - Pre-school	\$805,950
765	Special Education - Self-contained	\$1,272,330
766	Special Education - Extended Year	\$35,370
767	Special Education - State Programs	\$159,840
768	Career & Technical Ed District Add-on	\$2,453,310

769	Class Size Reduction	\$3,225,240
770	The Legislature intends that the State Board of Education allocate \$23,484 from the	
771	appropriation to the Career & Technical Education District Add-on program to support summer	
772	Career & Technical Education agriculture programs. This allocation is in addition to the	
773	allocation provided for summer Career & Technical Education agriculture programs for fiscal	
774	year 2010-11 in H.B. 1, Minimum School Program Base Budget.	
775	RELATED TO BASIC PROGRAMS	
776	ITEM 12 To Related to Basic Programs	
777	From Uniform School Fund	(\$374,194,403)
778	From Education Fund	\$590,968,302
779	From Education Fund, One-time	\$12,708,000
780	Schedule of Programs:	
781	Social Security and Retirement	(\$13,139,631)
782	To and From School - Pupil Transportation	\$1,312,900
783	Guarantee Transportation Levy	\$10,000
784	Flexible Allocation - WPU Distribution	\$217,566,730
785	Intervention for Student Success Block Grant	\$300,000
786	Adult Education	\$185,300
787	Electronic High School	(\$1,960,000)
788	Charter School Local Replacement	\$14,564,900
789	Charter School Administration	\$617,600
790	Public Education Job Enhancement	(\$1,793,300)
791	Educator Salary Adjustments	\$5,081,200
792	Library Books & Electronic Resources	(\$90,000)
793	Critical Languages & Dual Immersion	\$750,000
794	USTAR Centers (Year-Round Math & Science)	\$124,200
795	Performance Based Compensation	\$294,000
796	Teacher Supplies and Materials	\$5,000,000
797	Beverley Taylor Sorenson Elementary Arts	\$658,000
798	The Legislature intends that monies for the Flexible Allocation - WPU Distribution	
799	program be distributed to school districts and charter schools on the basis of the number of	

weighted pupil units in a school district or charter school compared to the total number of weighted pupil units and that the State Board of Education provide for the reporting of school districts' and charter schools' expenditures of the program monies.

The Legislature intends that the State Board of Education allocate \$51,700 from the appropriation for To and From School - Pupil Transportation to support transportation costs at the Utah Schools for the Deaf and the Blind. This allocation is in addition to the allocation provided to support transportation costs at the Utah Schools for the Deaf and the Blind for fiscal year 2010-11 in H.B. 1, Minimum School Program Base Budget.

The Legislature intends that enrollment in charter schools in the 2011-12 school year may increase up to 6,000 students over the projected enrollment of 42,211 students in the 2010-11 school year.

VOTED AND BOARD LEEWAY PROGRAMS

ITEM 13 To Voted and Board Leeway Programs

From Uniform School Fund	(\$37,240,184)
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From Education Fund	\$57,928,148
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Schedule of Programs:

Voted Leeway	\$15,891,364
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Board Leeway	\$4,796,600
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SCHOOL BUILDING PROGRAMS

ITEM 14 To School Building Programs

From Uniform School Fund	(\$22,049,700)
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From Education Fund	\$14,499,700
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Schedule of Programs:

Capital Outlay Foundation Program	(\$6,566,500)
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Capital Outlay Enrollment Growth Program	(\$983,500)
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Section 10. **Effective date.**

This bill takes effect on July 1, 2010.